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IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. 1956.

No. 824

STELLA C. DAVIS and BETTY HORRIGAN,
Petitioners,

vs.

RAY M. FOREMAN and
THE UNITED STATES OF AMERICA,
Respondents.

PETITION FOR REHEARING ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

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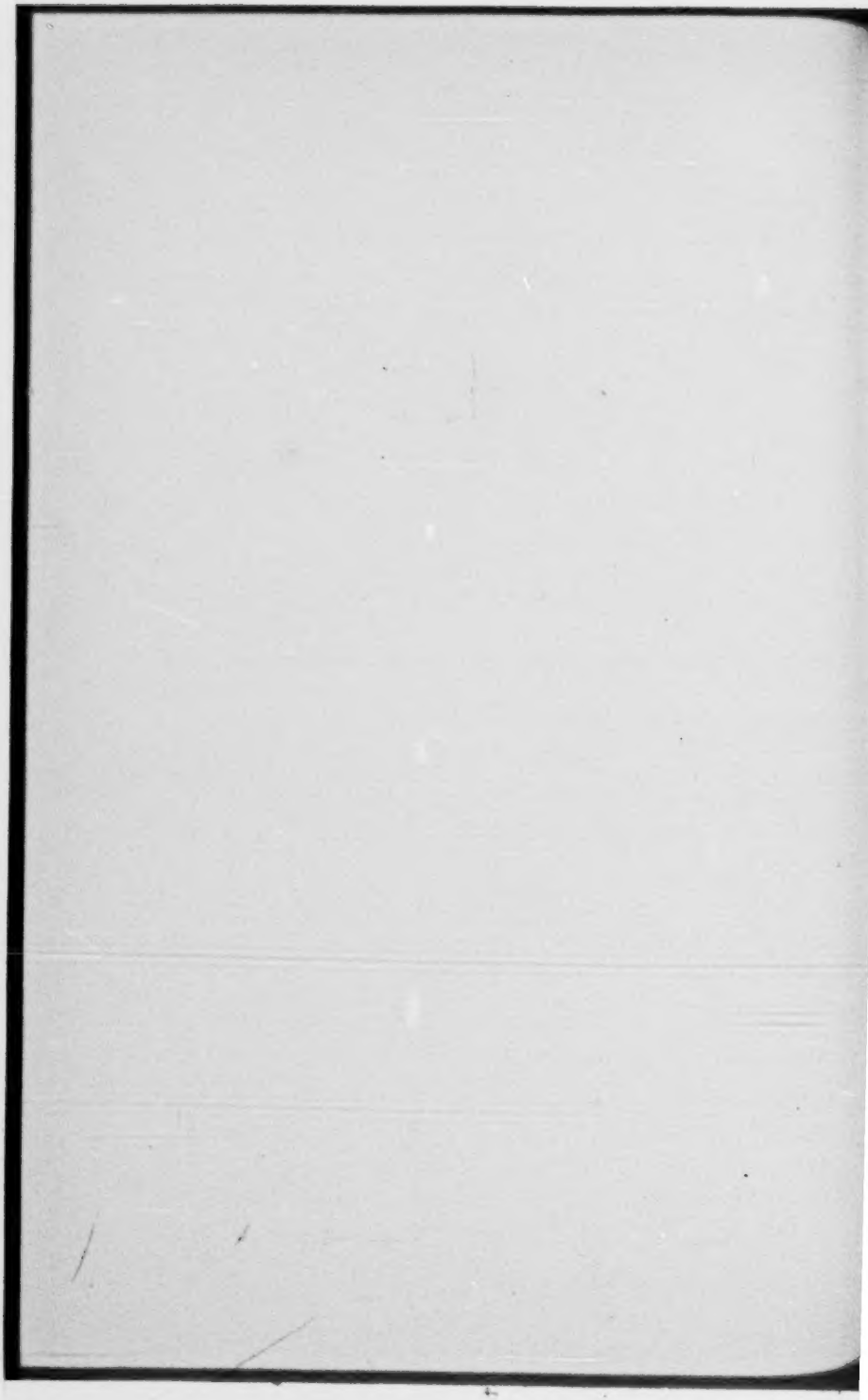

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To The Honorable Earl Warren, Chief Justice, and Associate Justices of the Supreme Court of the United States:

Stella C. Davis, and Betty Horrigan, petitioners, *Pro Se* pray that their Petition for Rehearing be granted in said cause of action upon the ground and for the reasons hereinafter set forth in the petition herewith presented.

MAY IT PLEASE THE COURT:

That on the 8th day of April, 1957 the Supreme Court of the United States of America denied the Petition for Writ of Certiorari, in the above entitled case. It appears to the petitioners that certain points and views presented in their petition for the Writ of Certiorari have been over-

looked and that the respondent, Ray M. Foreman did not file printed copies within thirty days of an opposing Brief disclosing any matter or ground why the cause should not be reviewed by the Supreme Court of the United States.

2. The petitioners were not informed of the date of Hearing on the Petition for Writ of Certiorari, nor to date have they received an Opinion of the Supreme Court denying their Petition for Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit, said Opinion is necessary on which to base their points and views for a Petition for Rehearing other than those overlooked in the Brief for the United States In Opposition filed by the Solicitor General. The petitioners, *Pro Se*, were informed on filing their petition for Writ of Certiorari that Order for appearance forms are completed only by members of the Bar of the Supreme Court of the United States.

3. Since the Court on April 8, 1957, denied the Petition for Writ of Certiorari in the above-entitled case, the petitioners are assuming that the Court overlooked violations of the Civil and Constitutional Rights of the petitioners alleged (pet. p. 6 and p. 8) in U.S.C. 28 sec. 507, the Assistant U.S. Attorney derives his authority from "Acts of Congress", and not from the laws of any State and his rights and duties as an "Officer of the United States", Article 2, sec. 109 in the Constitution are to be collected from those acts—*Hoeppel* v. *U. S.*, 1936, 85 Fed. 66 App. D.C. The respondent, Ray M. Foreman, employed as Assistant U. S. Attorney in Danville, Illinois, held interviews with petitioner, Stella C. Davis, for the purpose of investigating certain purported violations of the Federal

Banking Laws by some of the officials of the National Bank of Mattoon, Illinois. As an "Officer of the United States and Department of Justice" it was the duty of the respondent, Ray M. Foreman to attack an "Ultra Vires" Act or any other act or violation of the National Banking Act by any National Bank. The government alone can attack such Acts or violations. (pet. p. 7) *Christopher* v. *Norvell*, 201 U.S. 216 S. Ct. 502, L. Ed. 732; also *Logan County National Bank* v. *Townsend*, 139 U.S. 67-11, S. Ct. 496, 35 L. Ed. 107.

The respondent, Ray M. Foreman, while in pursuance of this matter and so employed by the government obtained information and facts from the petitioner, Stella C. Davis, which he represented would be used in making an investigation regarding irregularities in the acts of some of the officials of the National Bank of Mattoon, Illinois. (pet. p. 7) On March 25, 1951, during the time the respondent, Ray M. Foreman was acting in his official capacity, the petitioner's father died, and the respondent, Ray M. Foreman entered into a conspiracy with the said bank officials whereby certain assets of the petitioner's deceased father were concealed and withheld from the inventories and accounts of the decedent's estate. (pet. 8) The respondent, Ray M. Foreman (pet. 10) in addition to and in furtherance of this scheme and as the result of the information obtained by the respondent was also instrumental in securing the appointment of the National Bank of Mattoon, Illinois as administrator, and himself as attorney for the administrator of the estate of the petitioner's deceased father.

A Conspiracy to invade the rights of another person is a Grave Offense for which a jury trial is requisite (pet. 8) *Haas* v. *Henkel*, 1909, 30 S. Ct. 249, 216 U.S. 462, 54 L. Ed. 569, 17 Ann. Cas. 1112, *Collan* v. *Wilson*, 127 U.S.

540. In 18 Stat. 335, "An act to protect all citizens in their civil and legal rights", respondent Ray M. Foreman by his conspiracy deprived the petitioners of the equal protection of the Laws, under the 14th Amendment to the Constitution of the United States, violates the Constitutional inhibition and as he acts under the name and for the Government and is clothed with the United States Power, his act (Ray M. Foreman, respondent) is that of the government. (pet. p. 8)

4. The Court overlooked that the Trial Court took jurisdiction of the subject matter and that the United States Court of Appeals for the Seventh Circuit upheld this act in ruling on Criminal allegations in a Civil Action (pet. p. 8, 6, and 9) and (orig. brief pp. 8, 9, 10, 11 and 12) when allegations in the Complaint are based on U. S. Criminal Code 18, Sections 241, 371, 1914 and 335, also violations of the National Banking Act. Ch. 106-6-13 stat. 101, 12 U.S.C. sec. 38. Due to the criminal conspiracy of the respondent, Ray M. Foreman, and the officials of the National Bank of Mattoon, Illinois, and others, the petitioners were denied the right to file a claim under the Federal Tort Claims Act, 28 U.S.C. sec. 1346 (b) within the two year period because this was a Conspiracy to impede administration of Justice and Bar Relief on the Statutes of Limitations, see *Harrington* v. *U. S. C. A.* Iowa 1920, 267 F. 97, *U. S.* v. *McWilliams*, 1944 F. Supp. 791.

5. The government's answer (U.S. brief p. 2) in the above points and views is that it is difficult to ascertain the gravamen of the Complaint. It is argued that the Conspiracy was based on the violations of the National Banking Act and other Federal Violations by some of the officials of the National Bank of Mattoon and the conspiracy of the respondent, Ray M. Foreman to impede the

administration of Justice by violation of the Constitutional and Civil Rights of the petitioners as the result of usurping his "Officer of the U.S. and Justice Department" authority in this Conspiracy and Fraud upon the petitioners.

It is not difficult to understand the gravamen of the Complaint when the respondent, Ray M. Foreman, assistant United States Attorney in Danville, Illinois, by Fraud and Conspiracy, was instrumental in securing the National Bank of Mattoon as administrator and himself attorney for the Administrator in view of the fact that the petitioners were complaining about purported violations of the Federal Banking Laws by (orig. brief pp. 3a & 4a) by some of the officials of the National Bank of Mattoon, Illinois.

6. The Court overlooked the fact that the Trial Court and the Court of Appeals overlooked the rules of the U.S. Code Title 28-6-J, an action at Law cannot be with one in Equity in a Federal Court. That the union of Equitable and Legal cause of Action by the Process Act of May 8, 1792 are forbidden in the courts of the United States. (Pet. p. 11).

CONCLUSION.

It is the opinion of the petitioners that this Court has either overlooked or misapprehended the points and views hereinabove pointed out, it is urged that a rehearing should be granted and that on such rehearing the Orders of The United States Court of Appeals for the Seventh Circuit be reversed.

Respectfully submitted,

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